

**ENVIRONMENTAL PROTECTION
COMMISSION[567]
Adopted and Filed Without Notice**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 60, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 62, “Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions,” and Chapter 63, “Monitoring, Analytical and Reporting Requirements,” Iowa Administrative Code.

The purpose of these amendments is to update references to federal effluent and pretreatment standards and associated analytical methods. References to federal effluent and pretreatment standards found in rules 567—62.4(455B) and 567—62.5(455B) are amended to reflect updates to 40 Code of Federal Regulations (CFR). The change to rule 567—60.2(455B) updates the definition of “Act” to include amendments to the Water Pollution Control Act through July 1, 2006. The change to subrule 63.1(1) updates the reference to the latest federally approved methods for the analysis of wastewater samples.

There have been no amendments to the Clean Water Act or to federal toxic effluent standards, rule 62.5(455B), since these rules were last updated in 2005. On October 14, 2005, EPA revised the general pretreatment regulations in an attempt to streamline the pretreatment program. On December 13, 2005, EPA amended the standards for the iron and steel manufacturing industry, allowing alternative limitations for oil and grease and correcting various effective dates.

In accordance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary. Under rule 567—62.2(455B), the Commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of certain federal effluent and pretreatment standards. The Commission found that public participation is unnecessary since the Commission must adopt effluent and pretreatment standards at least as stringent as the enumerated promulgated federal standards in order to have continued approval of the Environmental Protection Agency (EPA) of the Department’s NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the Commission not be more stringent than the enumerated promulgated federal standards. The Commission also found that public participation is unnecessary when updating the reference to approved methods for analysis because these methods are required by EPA to be used to implement federal effluent and pretreatment standards.

The Commission adopted these amendments on September 19, 2006.

These amendments will become effective on November 15, 2006.

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are adopted.

ITEM 1. Amend rule **567—60.2(455B)**, definition of “Act,” to read as follows:

“Act” means the Federal Water Pollution Control Act as amended through July 1, 2005 *2006*, 33 U.S.C. §1251 et seq.

ITEM 2. Amend rule 567—62.4(455B), introductory paragraph, to read as follows:

567—62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, 2005 *2006*, are applicable to the following categories:

ITEM 3. Amend rule 567—62.5(455B) to read as follows:

567—62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR Part 129, revised as of July 1, 2005 *2006*.

ITEM 4. Amend subrule **63.1(1)**, paragraph “a,” to read as follows:

a. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136, revised as of July 1, 2005 2006.

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